

REMARKS

Claims 1-3, 6-13, 15-21, 23, 24, and 26-31 are pending in the case. The Examiner rejected claims 19 and 30 under 35 U.S.C. §112, first paragraph for failing to meet the written description requirement. The Examiner rejected all the claims under the doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,594,676 to Moore (hereinafter “Moore”). In view of remarks below and the terminal disclaimer submitted with this paper, Applicants respectfully submit that the pending claims are in condition for allowance.

REJECTION OF CLAIMS 19 and 30 UNDER 35 U.S.C. §112, first paragraph

The Examiner rejected claims 19 and 30 under 35 U.S.C. §112, first paragraph for lack of written description. Applicants respectfully traverse this rejection.

The Examiner asserts that the specification fails to describe the subject matter in these claims so as to reasonably convey to one skilled in the art that the Applicants had possession of the claimed invention at the time the application was filed. Specifically, the Examiner asserts that “generating a query to prompt for a detail record associated with the database data set” recited in claims 19 and 30 is not disclosed in the specification.

Applicants respectfully disagree. Applicants would like to direct the Examiner’s attention to page 25, lines 1-13. There, interaction between the image copy and restore utility 316 and the CADS manager 304 is described. In particular, “the image copy and restore utility 316 **queries** the CADS manager 304” (*See* Page 25, line 1) to determine whether a specific detail record 404 has been read yet. Records that are read are sent to the image copy and restore utility 316 in response to a request. *See* Page 25, line 4.

Applicants respectfully assert that these lines teach one of skill in the art that the image copy and restore utility 316 sends a query to prompt for a detail record associated with the

database data set. Applicants further assert that references to “query[ing]” the CADS manager on line 1 of page 25 reasonably convey to one skilled in the art that a query is generated and sent to prompt for a detail record. Applicants assert that this description supports the claim language regarding “generating a query to prompt for a detail record” sufficient to convey to one of skill in the art that the Applicants had possession of the inventive features of claims 19 and 30 at the time the application was filed.

Furthermore, Applicants respectfully submit that the written description requirement under 35 U.S.C. §112, first paragraph does not require that the exact language (such as the term “generating”) of the claims be re-used in the description. In fact, Applicants contend that describing what is recited in the claims using different terminology and language is typically very useful in clarifying what is intended by specific language in the claims.

Therefore, Applicants respectfully assert that the specification (specifically on page 25, lines 1-13) reasonably conveys to one of skill in the art that Applicants were in possession of the subject matter of claims 19 and 30 when the application was filed.

OBVIOUSNESS-TYPE DOUBLE PATENTING IN VIEW OF U.S. PATENT NO. 6,594,676

The Examiner rejected claims 1-3, 6-13, 15-21, 23, 24, and 26-31 under the doctrine of Obviousness-Type Double Patenting in view of Moore. Applicant respectfully traverses this rejection.

Although Applicants are traversing this rejection to preserve the right to address the issue later if necessary. Applicants are filing a terminal disclaimer to advance this case to allowance. The present application and the cited patent, Moore, are commonly owned by the same assignee. This assignee is willing to file a terminal disclaimer in compliance with 37 CFR §1.321 (c) and

abide by all legal requirements of such a disclaimer. Applicants' Attorney has executed and attached such a disclaimer.

In view of the foregoing, Applicants submit that the application is in condition for immediate allowance. In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,



David J. McKenzie

Reg. No. 46,919

Attorney for Applicant

Date: June 7, 2004

KUNZLER AND ASSOCIATES
8 E. Broadway, Suite 600
Salt Lake City, UT 84111
Telephone: 801/994-4646

G:\Client Files\1100 Silicon Valley\1115\OA4\1100.2.15OAR4.doc